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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/019,705

05/13/2002

Kari Kalliojarvi

915-414

1802

10945

7590

01/05/2011

NOKIA CORPORATION

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EXAMINER

PEREZ, JULIO R

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/05/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/019,705	Applicant(s) KALLIOJARVI, KARI	
	Examiner JULIO PEREZ	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,6,9-11,13-15,19 and 22-31.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/J. P./
 Examiner, Art Unit 2617

/HUY PHAN/
 Primary Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 09/23/2010 have been fully considered but they are not persuasive.

On pages 2-3 of the Response, Applicant argues that the cited references fail to disclose or suggest "the characteristic parameter describing excess path lengths. Examiner respectfully disagrees.

MacDonald discloses propagation path slope that is produced within different propagation environment schemes. Examiner's interpretation of excess path lengths still stands, thus, the parameters describe propagation path, which includes line-of-sight factors. Therefore, it determines characteristics of the signal indication around the environment, thus determining levels of different type of terrain or how the terrain is classified in relation to obstacles, as described on col. 6, lines 48-67; col. 7, lines 1-59. Moreover, how else would the system determine a parameter to describe line-of-sight conditions? The system of MacDonald is taking into account the propagation models and terrain environment in order to find out about propagation conditions. In addition, Chiang discloses measurements of distances, r_1 and r_2 , which are calculated to position the mobile device, with the use of time difference, as described on col. 3, lines 66-67-col. 4, lines 1-63. The limitation "measuring at least one feature of a signal transmitted" does not exclude any indication of any type signal, i.e., RSSI, between the base stations and the mobile. Consequently, MacDonald discloses propagation path slope that is produced within different propagation environment schemes. This, indeed, describe propagation path, which includes line-of-sight factors. . On page 2 of the response, Applicant argues that even if the skilled person were aware of the whole contents of Chiang and MacDonald, the skilled person would not know how to amend the two teachings together to provide the limitations recited in claim 1.

Examiner respectfully disagrees.

The Supreme Court opinion in KSR case (04-1350, US Apr. 30, 2007), rejected the rigid application of the test, requiring "teaching, suggesting or motivation" in the prior art which would lead to one of the ordinary skills in the art to combine art teachings. In current case using known method to predict propagation conditions to include factors that affect LOS, and predictable radio signals yield predictable results. Therefore, the Finality of previous office action is maintained.